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09/991,223	11/21/2001	William K. Slate II	AAA-002	3940
1473 7590 05/11/2010 ROPES & GRAY LLP PATENT DOCKETING 39/361 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704				
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LONG, PONYA M				
ART UNIT		PAPER NUMBER		
3689				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/991,223

Applicant(s)

SLATE ET AL.

Examiner

FONYA LONG

Art Unit

3689

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 51-56, 101-106 and 151-177 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 51-56, 101-106 and 151-177 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 02/04/2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is a Final Office Action rejection on the merits in response to communications received on February 04, 2010. Claims 1, 2, 4, 5, 51, 52, 54, 55, 101, 102, 104, 105, 151-177 have been amended. Claims 7-50, 57-100, and 107-150 have been cancelled. Claims 1-6, 51-56, 101-106, and 151-177 are currently pending and have been addressed below.

Response to Amendment

1. Applicant's amendments are sufficient to overcome the 101 rejection set forth in the previous office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 51-56, 101-106, 152-159, 161-168, and 170-177 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israel et al. (6,766,307) in view of Pomerance (7,529,679).

As per Claim 1, Israel et al. discloses a method comprising:

receiving an indication from the user to create a profile from a user input device at a first computer, wherein the profile comprises dispute resolution-related information

associated with the user and a dispute (Col. 9, Lines 16-67, via the user registering via inputting relevant biographical information. The user also inputting data related to a dispute);

prompting the user at the first computer to indicate one of the dispute resolution paths;

receiving the user indication using the user input device at the first computer; and
in response to receiving the user indication at the second computer, initiation the indicated dispute resolution path (Col. 4, Lines 31-36; Col. 19, Lines 1-25, discloses the user being prompted to select a mode of non-judicial dispute resolution (i.e. a dispute resolution path). In response to receiving the selection by the user, the system initiates the selected mode of dispute resolution).

However, Israel et al. fails to explicitly disclose selecting at least two dispute resolution paths from a plurality of dispute resolution paths; determining a plurality of steps for each of the selected dispute resolution paths; determining estimated dispute resolution information; and displaying the plurality of steps determined for each of the selected dispute resolution paths.

Pomerance discloses an automated alternative dispute resolution method and system with the concept of in response to receiving the profile information at a second computer, selecting at least two dispute resolution paths for resolving the dispute from a plurality of dispute resolution paths, wherein the selection comprises determining, based on the profile, which of the plurality of dispute resolution paths are most appropriate for resolving the dispute (Col. 3, Line 52-Col. 4, Line 3, discloses providing based on the

complaint received (i.e. profile information) procedural information (i.e. dispute resolution paths) wherein if a settlement cannot be reached, the AADR system provides procedural alternatives to the customer); determining for each of the selected dispute resolution paths a plurality of steps for implementing at least one dispute resolution mechanism, wherein each dispute resolution mechanism is one of an arbitration service or a mediation service (Col. 5, Lines 10-22, discloses providing the customer how the dispute resolution process works and where more information can be obtained, wherein the dispute resolution process for the AADR system includes mediation); determining estimated dispute resolution information at the second computer for each of the selected dispute resolution paths based on the profile (Col. 5, Lines 10-22, via providing an estimate of a reasonable time frame); and displaying on a display device at the first computer the plurality of steps determined for each of the selected dispute resolution paths and the estimated dispute resolution information (Col. 3, Line 52-Col. 4, Line 3; Col. 5, Lines 10-22, discloses providing the customer how the dispute resolution process works and where more information can be obtained, provides an estimate of a reasonable time frame and the automatic that customer can expect).

Therefore, from the teaching of Pomerance, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for providing complete non-judicial dispute resolution management of Israel et al. to include selecting at least two dispute resolution paths from a plurality of dispute resolution paths; determining a plurality of steps for each of the selected dispute resolution paths; determining estimated dispute resolution information; and displaying

the plurality of steps determined for each of the selected dispute resolution paths as taught by Pomerance in order to aid in providing an efficient and economical means of resolving disputes in a non-judicial manner.

As per Claims 51 and 101, Israel et al. discloses a system comprising:

a user input device, a display device (means for displaying) (Col. 7, Lines 43-51; Col. 8, Lines 48-57, discloses the user being capable of inputting information via the website, wherein the web browser of the user is resident within a user terminal which has a CPU, monitor (i.e. display device), keyboard, and mouse);

means for receiving an indication from the user to create a profile from a first computer, wherein the profile comprises dispute resolution-related information associated with the user and a dispute (Col. 9, Lines 16-67, via the user registering via inputting relevant biographical information. The user also inputting data relation to a dispute.);

means for prompting the user at the first computer to indicate one of the selected dispute resolution paths; and in response to receiving the user indication at the second computer, means for initiating the indicated dispute resolution path (Col. 4, Lines 31-36; Col. 19, Lines 1-25, discloses the user being prompted to select a mode of non-judicial dispute resolution (i.e. a dispute resolution path). In response to receiving the selection by the user, the system initiates the selected mode of dispute resolution).

However, Israel et al. fails to explicitly disclose means for selecting at least two dispute resolution paths from a plurality of dispute resolution paths; means for determining a plurality of steps for each of the selected dispute resolution paths; means

for determining estimated dispute resolution information; and means displaying the plurality of steps determined for each of the selected dispute resolution paths.

Pomerance discloses an automated alternative dispute resolution method and system with the concept of in response to receiving the profile information at a second computer, means for selecting at least two dispute resolution paths for resolving the dispute from a plurality of dispute resolution paths, wherein the selection comprises determining, based on the profile, which of the plurality of dispute resolution paths are most appropriate for resolving the dispute (Col. 2, Line 65-Col. 4, Line 3, discloses a user connected to the system via a general purpose computer having web browser software that connects to the system via the Internet. The system being a general purpose computer programmed to perform the dispute resolution process, wherein in response to receiving a complaint, providing based on the complaint received (i.e. profile information) procedural information (i.e. dispute resolution paths) wherein if a settlement cannot be reached, the AADR system provides procedural alternatives to the customer); means for determining for each of the selected dispute resolution paths a plurality of steps for implementing at least one dispute resolution mechanism, wherein each dispute resolution mechanism is one of an arbitration service or a mediation service (Col. 5, Lines 10-22, discloses a user connected to the system via a general purpose computer having web browser software that connects to the system via the Internet. The system being a general purpose computer programmed to perform the dispute resolution process, wherein the system provides the customer within information pertaining to how the dispute resolution process works and where more information can

be obtained, wherein the dispute resolution process for the AADR system includes mediation); determining estimated dispute resolution information at the second computer for each of the selected dispute resolution paths based on the profile (Col. 5, Lines 10-22, via a user connected to the system via a general purpose computer having web browser software that connects to the system via the Internet. The system being a general purpose computer programmed to perform the dispute resolution process, wherein the system provides an estimate of a reasonable time frame); and displaying on a display device at the first computer the plurality of steps determined for each of the selected dispute resolution paths and the estimated dispute resolution information (Col. 3, Line 52-Col. 4, Line 3; Col. 5, Lines 10-22, discloses a user connected to the system via a general purpose computer having web browser software that connects to the system via the Internet. The system being a general purpose computer programmed to perform the dispute resolution process, wherein the system provides the customer with information pertaining to how the dispute resolution process works and where more information can be obtained, provides an estimate of a reasonable time frame and the automatic that customer can expect).

Therefore, from the teaching of Pomerance, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for providing complete non-judicial dispute resolution management of Israel et al. to include means for selecting at least two dispute resolution paths from a plurality of dispute resolution paths; means for determining a plurality of steps for each of the selected dispute resolution paths; means for determining estimated dispute resolution

information; and means displaying the plurality of steps determined for each of the selected dispute resolution paths as taught by Pomerance in order to aid in providing an efficient and economical means of resolving disputes in a non-judicial manner.

As per Claims 2, 52, and 102, Israel et al. discloses wherein each dispute resolution mechanism is selected from the group consisting of documents-only arbitration and on-call mediation (Col. 19, Lines 9-37, discloses mediation and/or arbitration options wherein the mediation and/or arbitration can be real-time online mediation or arbitration, or off-line mediation or arbitration. The parties submit arguments, information, proof, and any other evidence to be considered by the mediator or arbitrator via the Internet. When the process is done in real time, the mediator or arbitrator can request additional information or explanation from a party (i.e. on-call), should further information or explanation is required).

As per Claims 3, 53, and 103, Israel et al. discloses determining whether the user has met a predetermined standard of conducting business (Col. 27, Lines 12-21, via determining whether the parties have agreed to the terms of the Negotiation Agreement in order to be allowed to enter demands and offers onto the system); and providing the user with a certification in response to meeting the predetermined standard (The term certification is defined as to attest authoritatively or to information to certainty via "certifying." *Merriam-Webster Online Dictionary*. 2009. Merriam-Webster Online, 2 August 2009, <http://www.merriam-webster.com/dictionary/certifying>. Col. 27, Lines 12-21, discloses certifying that both parties will be bound by the terms and conditions of the Negotiation Agreement).

As per Claims 4, 54, 104, 155, 164, and 173, Israel et al. discloses the claimed invention as applied to Claims 1, 51, and 101. However, Israel et al. fails to explicitly disclose calculating a cost associated with resolving the dispute for each of the selected dispute resolution paths.

Pomerance discloses an automated alternative dispute resolution method and system with the concept of calculating a cost for resolving the dispute for each to eh selected dispute resolution paths (Col. 8, Line 61-Col. 9, Line 3, discloses determining the fees for mediation (i.e. resolving the dispute)).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate into the non-judicial dispute resolution system of Israel et al. the cost calculation taught by Pomerance since this provides an efficient way for the parties to the more efficient and economical process in resolving a dispute. The Examiner asserts that using an average cost of similar disputes is routinely done in any business practice when estimating cost. For example, many businesses determine a cost of performing a service based on past related service. Attorneys on a daily basis provide clients with information as to an estimate for taking case to trial versus trying to settle the case out of court. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an average cost when calculating a cost since this is generally how businesses operate.

As per Claims 5, 55, and 105, Israel et al. discloses the claimed invention as applied to Claims 1, 51, and 101. However, Israel et al. fails to explicitly disclose

determining an estimated time associated with resolving the dispute for each of the selected dispute resolution paths.

Pomerance discloses an automated alternative dispute resolution method and system with the concept of determining an estimated time associated with resolving the dispute for each of the selected dispute resolution paths (Col. 2, Line 65-Col. 3, Line 62; Col. 5, Lines 10-22, discloses providing an estimate of a reasonable time frame).

Therefore, from the teaching of Pomerance, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for providing complete non-judicial dispute resolution management of Israel et al. to include determining an estimated time associated with resolving the dispute for each of the selected dispute resolution paths as taught by Pomerance in order to aid in providing an efficient and economical means for resolving disputes in a non-judicial manner.

As per Claims 6, 56, and 106, Israel et al. discloses the claimed invention as applied to Claims 5, 55, and 105. However, Israel et al. fails to explicitly disclose comparing the dispute to a plurality of past disputes.

Pomerance discloses an automated alternative dispute resolution method and system with the concept of comparing the dispute to a plurality of past disputes (Col. 2, Line 65-Col. 3, Line 62; Col. 5, Lines 10-22, discloses comparing the dispute to a plurality of past disputes via identify prior case information that is relevant to the customer's dispute. Examiner asserts it would have been obvious to one of ordinary skill

in the art at the time the invention was made to use the prior case information to determine the estimated time frame for resolving a dispute.).

Therefore, from the teaching of Pomerance, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for providing complete non-judicial dispute resolution management of Israel et al. to include comparing the dispute to a plurality of past disputes as taught by Pomerance in order to aid in providing an efficient and economical means of resolving disputes in a non-judicial manner.

As per Claims 152, 161, and 170, Israel et al. discloses the claimed invention as applied to Claims 1, 51, and 101. However, Israel et al. fails to explicitly disclose wherein the profile is a first profile, and wherein determining which of the plurality of dispute resolution paths are most appropriate for resolving the dispute comprises determining appropriate dispute resolution paths based on the first profile and a second profile associated with a disputing party.

Pomerance discloses an automated alternative dispute resolution method and system with the concept of wherein the profile is a first profile, and wherein determining which of the plurality of dispute resolution paths are most appropriate for resolving the dispute comprises determining appropriate dispute resolution paths based on the first profile and a second profile associated with a disputing party (Col. 3. Line 52-Col. 5, Line 9, discloses in response to receiving a complaint comprising information pertaining to the customer, the dispute (i.e. first profile), and merchant information (i.e. second profile), the AADR system provides procedural information based on the complaint.).

Therefore, from the teaching of Pomerance, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method for providing complete non-judicial dispute resolution management of Israel et al. to include wherein the profile is a first profile, and wherein determining which of the plurality of dispute resolution paths are most appropriate for resolving the dispute comprises determining appropriate dispute resolution paths based on the first profile and a second profile associated with a disputing party as taught by Pomerance in order to aid in providing an efficient and economical means for resolving disputes in a non-judicial manner.

As per Claims 153, 154, 162, 163, 171, and 172, the Israel et al. and Pomerance combination discloses the claimed invention as applied to Claims 1, 51, and 101. However, the combination fails to explicitly disclose that the dispute resolution path are selected based on the size of the dispute amount or the relationship between the user and a disputing party.

The Examiner asserts that one of ordinary skill in the art would take into account the size of the dispute amount when determining the type of dispute resolution to take. For example, if the dispute amount is small, the user may decide to do negotiations instead of litigation, since the litigation costs could outweigh the dispute amount or reduce the amount awarded to the user after litigation cost have been paid to a minimal amount.

The Examiner also asserts that one of ordinary skill in the art would take into account the relationship of the parties in determining a path for dispute resolution. For

example, if the two parties disputing are really angry with each other such that it becomes impossible to negotiate or mediate, the arbitration or litigation would be the preferred path. However, if the two parties are amicable and may have to maintain contact with each other, for example, a couple in a divorce with children, then the preferred path may be negotiation or mediation rather than arbitration.

Therefore, the Examiner asserts that one of ordinary skill in the art at the time the invention was made would take into account the size of the dispute amount and the relationship of the parties since this information is used daily by those in the legal community to make recommendations to their clients. Common sense dictates that one uses this information to make a determination of which dispute resolution path to recommend.

As per Claims 157, 166, and 175, Israel et al. discloses the first selected dispute resolution path will move from a first dispute resolution mechanism to a second dispute resolution mechanism only when the first dispute resolution mechanism does not result in a resolution (Col. 5, Lines 44-51, via an election by one or more parties to move to a different non-judicial dispute resolution procedure because the first method chosen has not succeeded).

As per Claims 158, 167, and 176, Israel et al. discloses the first selected dispute resolution path moving from a first dispute resolution mechanism to a second dispute resolution mechanism when the first dispute resolution mechanism does not result in a resolution (Col. 5, Lines 44-51, via an election by one or more parties to

move to a different non-judicial dispute resolution procedure because the first method chosen has not succeeded).

However, Israel et al. fails to explicitly disclose this process being done without any user intervention.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to moving from a first dispute mechanism to a second dispute mechanism without any user intervention, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

As per Claims 159, 168, and 177, Israel et al. discloses a first selected dispute resolution path implements documents only arbitration and a second selected dispute resolution path implements on call mediation followed by arbitration (Col. 19, Lines 9-37, discloses mediation and/or arbitration options wherein the mediation and/or arbitration can be real-time online mediation or arbitration, or off-line mediation or arbitration. The parties submit arguments, information, proof, and any other evidence to be considered by the mediator or arbitrator via the Internet. When the process is done in real time, the mediator or arbitrator can request additional information or explanation from a party (i.e. on-call), should further information or explanation be required).

4. Claims 151, 160, and 169 are rejected under 35 U.S.C. 103(a) as being unpatentable over Israel et al. (6,766,307) in view of Pomerance (7,529,679), and applied to Claims 1, 51, and 101 above, and in further view of Sloo (5,895,450).

As per Claims 151, 160, and 169, the Israel et al. and Pomerance combination discloses the claimed invention as applied to Claims 1, 51, and 101 above. However, the combination fails to explicitly disclose providing success rate information for similar disputes resolved.

Sloo discloses a method and system for handling complaints with the concept of providing success rate information for similar disputes resolved (Col. 8, Lines 50-58, discloses providing success rate information by rating the parties involved in disputes wherein the rating or score for the prevailing party is increased, while the rating or score for the losing party is decreased. Col. 10, Line 54-Col. 11, Line 5, discloses using the rate information (i.e. gathered information) to predict (i.e. estimate) the outcome for the present situation.).

Therefore, from the teaching of Sloo, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Israel et al. and Pomerance combination to include providing success rate information for similar disputes resolved as taught by Sloo in order to aid a user in determining which mode of dispute resolution would be most beneficial.

Response to Arguments

5. Applicant's arguments filed February 04, 2010 have been fully considered but they are not persuasive.

Applicant argues that the Israel and Pomerance combination fails to disclose "determining, based on a profile, which of the available dispute resolution paths are

most appropriate for resolving the dispute and selecting at least two of the most appropriate paths for the user. Examiner respectfully disagrees. Examiner asserts Pomerance discloses providing based on the complaint received (i.e. profile information) procedural information (i.e. dispute resolution paths) wherein if a settlement cannot be reached, the AADR system provides procedural alternatives to the customer via Col. 3, Line 52-Col. 4, Line 3. Israel discloses the user being prompted to select a mode of non-judicial dispute resolution (i.e. a dispute resolution path). In response to receiving the selection by the user, the system initiates the selected mode of dispute resolution via Col. 4, Lines 31-36; Col. 19, Lines 1-25. Examiner asserts it would have been obvious to one of ordinary skill in the art to combine the providing of procedural information of Pomerance with the selection of a mode of non-judicial dispute resolution of Israel in order to allow the user to make an informed decision on which dispute path the user desires to take.

Applicant argues that the Israel and Pomerance combination fails to disclose "displaying steps for implementing the selected dispute resolution paths, along with estimated dispute resolution information, before the user indicates which dispute resolution path to initiate." Examiner respectfully disagrees. Pomerance discloses displaying on a display device at the first computer the plurality of steps determined for each of the selected dispute resolution paths and the estimated dispute resolution via providing the customer how the dispute resolution process works and where more information can be obtained, provides an estimate of a reasonable time frame and the automatic that customer can expect (Col. 3, Line 52-Col. 4, Line 3; Col. 5, Lines 10-22).

Israel et al. discloses the user being prompted to select a mode of non-judicial dispute resolution (i.e. a dispute resolution path). In response to receiving the selection by the user, the system initiates the selected mode of dispute resolution via Col. 4, Lines 31-36; Col. 19, Lines 1-25. Examiner asserts it would have been obvious to one of ordinary skill in the art to combine providing the customer of information pertaining the how the dispute resolution process works (i.e. steps) and an estimate of a reasonable time frame of Pomerance with the selection of a mode of non-judicial dispute resolution of Israel in order to allow the user to make an informed decision on which dispute path the user desires to take.

Applicant argues that the Israel and Pomerance combination fails to disclose "selecting at least two dispute resolution paths for resolving the dispute from a plurality of dispute resolution paths in response to receiving profile information." Examiner respectfully disagrees. Examiner asserts Pomerance discloses providing based on the complaint received (i.e. profile information) procedural information (i.e. dispute resolution paths) wherein if a settlement cannot be reached, the AADR system provides procedural alternatives to the customer via Col. 3, Line 52-Col. 4, Line 3.

Applicant argues that the Israel and Pomerance combination fails to disclose "determining for each of the selected dispute resolution paths a plurality of steps for implementing at least one dispute resolution mechanism" and "determining estimated dispute resolution information for each of the selected dispute resolution paths based on the profile." Examiner respectfully disagrees. Examiner asserts Pomerance discloses providing the customer how the dispute resolution process works (i.e. steps for the each

dispute resolution mechanism) and where more information can be obtained, wherein the dispute resolution process for the AADR system includes mediation via Col. 5, Lines 10-22. Pomerance also discloses providing an estimate of a reasonable time frame for the dispute resolution process via Col. 5, Lines 10-22.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thurs. 7:30am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. L./
Examiner, Art Unit 3689

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689